

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT IN AND  
FOR ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CAES NO.: 2018-CA-012128-O

SHARRIF K. FLOYD,

Plaintiff,

v.

DR. JAMES ANDREWS, M.D.; DR. GREGORY  
HICKMAN, M.D.; DR. CHRISTOPHER WARRELL,  
M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS  
INSTITUTE AMULATORY SURGERY CENTER,  
LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST  
HOSPITAL, INC.; BAPTIST HEALTH CARE  
CORPORATION; GULF BREEZE HOSPITAL, INC.;  
BAPTIST HOSPTIAL, INC. d/b/a GULF BREEZE  
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

/

**NOTICE OF FILING AFFIDAVITS IN  
OPPOSITION TO DEFENDANTS' REPLIES IN SUPPORT OF  
CERTAIN MOTIONS TO TRANSFER ON *FORUM NON-CONVENIENS* GROUNDS**

Plaintiff Sharrif K. Floyd, by and through undersigned counsel, gives notice of filing the Affidavits of Sharrif K. Floyd (attached as Exhibit "A") and Affidavit of Bradford Rothwell Sohn (attached as Exhibit "B") in Opposition to Defendants' Replies in Support of Certain Motions to Transfer on *Forum Non-Conveniens* Grounds.

**CERTIFICATE OF SERVICE**

WE HEREBY CERTIFY that a true and correct copy of the foregoing was filed on April 4, 2019, via the Florida Courts E-Filing Portal and emailed to all counsel of record listed on the attached Service List.

THE BRAD SOHN LAW FIRM, PLLC  
*Attorneys for Plaintiff Sharrif Floyd*  
2600 S. Douglas Road - Suite 1007  
Coral Gables, Florida 33134  
Telephone: (786) 708-9750  
Facsimile: (305) 397-0650

By: Brad R. Sohn  
BRAD R. SOHN, FBN 98788  
Email: brad@sohn.com

- AND -

RASCO KLOCK PEREZ & NIETO, P.L.  
*Attorneys for Plaintiff Sharrif Floyd*  
2555 Ponce De Leon Blvd. – Suite 600  
Coral Gables, Florida 33134  
Telephone: (305) 476-7100  
Facsimile: (305) 476-7102  
Gabriel E. Nieto, Esq. FBN 147559  
gnieto@rascoklock.com

## SERVICE LIST

J. Nixon Daniel, III, Esq.  
Beggs & Lane, RLLP  
501 Commendencia Street  
Pensacola, Florida 32502  
[jnd@beggslane.com](mailto:jnd@beggslane.com)

*Attorneys for Defendants James Andrews, M.D., Tariq Hendawi, M.D., Christopher Warrell, M.D., Baptist Hospital, Inc., Baptist Health Care Corporation, Gulf Breeze Hospital, Inc., Baptist Hospital, Inc. d/b/a Gulf Breeze Hospital and Baptist Physician Group, Inc.*

Jesse Suber, Esq.  
Henry Buchanan, P.A.  
2508 Barrington Circle (32308)  
Post Office Box 14079  
Tallahassee, Florida 32317-4079  
[jsuber@henryblaw.com](mailto:jsuber@henryblaw.com)  
*Attorneys for Dr. Hickman and Paradigm*

S. William Fuller, Jr., Esq.  
Hall Booth Smith, P.C.  
2565 Barrington Circle  
Tallahassee, Florida 32308  
[wfuller@hallboothsmith.com](mailto:wfuller@hallboothsmith.com)  
*Attorneys for ASC*

---

*/s/ Gabriel E. Nieto*

Gabriel E. Nieto

# Exhibit “A”

THE BRAD SOHN LAW FIRM, PLLC

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

IN THE CIRCUIT COURT OF THE 9TH  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-CA-012128-O

SHARRIF K. FLOYD

Plaintiff,

vs.

DR. JAMES ANDREWS, M.D.; DR. GREGORY  
HICKMAN, M.D.; DR. CHRISTOPHER WARRELL,  
M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS  
INSTITUTE AMBULATORY SURGERY CENTER,  
LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST  
HOSPITAL, INC.; BAPTIST HEALTH CARE  
CORPORATION; GULF BREEZE HOSPITAL, INC.,  
BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE  
HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

---

**SUPPLEMENTAL AFFIDAVIT OF SHARRIF K. FLOYD IN OPPOSITION TO  
DEFENDANTS' REPLIES IN SUPPORT OF CERTAIN MOTIONS  
TO TRANSFER ON *FORUM NON CONVENIENS* GROUNDS**

COMMONWEALTH OF )  
PENNSYLVANIA )  
PHILADELPHIA COUNTY

Before me, the undersigned authority, personally appeared Mr. Sharrif K. Floyd, who, after being duly sworn, deposes and says:

1. I am the Plaintiff in the above-entitled action, Mr. Sharrif K. Floyd.
2. I am competent to make this affidavit and have personal knowledge of the facts set forth herein.

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

3. I, have chosen and prefer to litigate in the 9th Judicial Circuit Court of Florida, in and for Orange County, Florida.

4. I reside in Philadelphia, Pennsylvania, and will be most convenient by this choice. It is quite easy to travel into Orlando; it is significantly more difficult to travel into Pensacola.

5. Moreover, I believe Orlando will provide me with the best chance for a fair process and trial.

6. It is my general recollection that on or about September 22, 2016, Dr. Christopher Warrell personally examined me before my right-knee surgery. I have subsequently seen a pre-operative progress note dictated by Dr. Warrell as well as an operative note that Dr. Warrell signed and dictated.

FURTHER AFFIANT SAYETH NAUGHT.

COMMONWEALTH OF PENNSYLVANIA

PHILADELPHIA COUNTY )

Before me, the undersigned authority personally appeared Sharrif K. Floyd who after being duly cautioned and sworn according to law, deposes and states that he/she has read the above and that he/she has set his or her hand and seal thereto for the purposes therein expressed.

The foregoing is acknowledged before me this 25<sup>th</sup> day of March 2019, by Sharrif K. Floyd, who is:

PERSONALLY KNOWN BY ME [X]  
WHO HAS PRODUCED THE FOLLOWING IDENTIFICATION  
WHO DID TAKE AN OATH  
WHO DID NOT TAKE AN OATH

  
Printed Name

THE BRAD SOHN LAW FIRM, PLLC

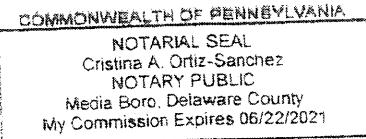
3

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

My Commission Expires: Notary Public  
Notary I.D. No. \_\_\_\_\_

  
06/22/2021

(Notary Seal)



# Exhibit “B”

THE BRAD SOHN LAW FIRM, PLLC

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

IN THE CIRCUIT COURT OF THE 9TH  
JUDICIAL CIRCUIT IN AND FOR  
ORANGE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.: 2018-CA-012128-O

SHARRIF K. FLOYD

Plaintiff,

vs.

DR. JAMES ANDREWS, M.D.; DR. GREGORY HICKMAN, M.D.; DR. CHRISTOPHER WARRELL, M.D.; DR. TARIQ HENDAWI, M.D.; THE ANDREWS INSTITUTE AMBULATORY SURGERY CENTER, LLC; PARADIGM ANESTHESIA, P.A.; BAPTIST HOSPITAL, INC.; BAPTIST HEALTH CARE CORPORATION; GULF BREEZE HOSPITAL, INC., BAPTIST HOSPITAL, INC. d/b/a GULF BREEZE HOSPITAL; AND BAPTIST PHYSICIAN GROUP, LLC,

Defendants.

---

SUPPLEMENTAL AFFIDAVIT OF BRADFORD ROTHWELL SOHN IN OPPOSITION  
TO DEFENDANTS' REPLIES IN SUPPORT OF CERTAIN MOTIONS  
TO TRANSFER ON *FORUM NON CONVENIENS* GROUNDS

STATE OF FLORIDA )  
COUNTY OF MIAMI-DADE )

Before me, the undersigned authority, personally appeared MR. BRADFORD R. SOHN, who, after being duly sworn, deposes and says:

1. I am an attorney-at-law of the state of Florida, Florida Bar No. 98788 and sole shareholder in and for The Brad Sohn Law Firm, PLLC, with offices at 2600 S. Douglas Road, Suite 1007, Miami, Florida 33134, (786) 708-9750. In this capacity, I am lead counsel for the Plaintiff in the above-entitled action, Mr. Sharrif K. Floyd.

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

2. I am competent to make this affidavit and have personal knowledge of the facts set forth herein.

3. In my earlier affidavit, supplied to the Court in support of Plaintiff's Omnibus Memorandum in Opposition, I identified a series of persons with knowledge *as well as* a number of material witnesses in general terms.

4. It appears the Defendants would prefer more specific identification of material witnesses, which I provide here. Please note this list is not exhaustive. As to each and every one of the 19 **material** witnesses listed below, assuming this case goes to trial, Orlando is by far easier to reach as a destination and, for the many reasons already explained in our motion, a much more convenient venue:

- a. Minnesota resident Dr. Chris Larson, MD is the Minnesota Vikings team physician as he was at the time of all circumstances giving rise to this case. He and Eric Sugarman (*see 4(b)*) were the two critical people overseeing Mr. Floyd's pre and post operative care, as well as those regularly interacting with the Defendants. Dr. Larson would provide testimony on injury, causation, permanency, and potentially on damages;
- b. Minnesota resident Eric Sugarman, ATC, Vikings Medical Staff MD is the Minnesota Vikings Director of Sports Medicine, as he was at the time of all circumstances giving rise to this case. He and Chris Larson (*see 4(a)*) were the two critical people overseeing Mr. Floyd's pre and post-operative care at the Vikings, as well as the individuals who most regularly interacted with the Defendants. Mr Sugarman would provide testimony on injury, causation, permanency, and potentially on damages;
- c. Minnesota resident Rick Spielman is the General Manager for the Minnesota Vikings and has served in this capacity during all times material to the case. Mr. Spielman has decades worth of talent-evaluation experience in NFL circles and was the individual who drafted Mr. Floyd in the first round of the NFL draft, having reviewed scouting tape and having compared him to other college prospects. Mr. Spielman would provide critical testimony on damages, specifically as relating to Mr. Floyd's football abilities. As was the case with material witnesses 4(a) and (b), Mr. Spielman's inconvenience would be greatly lessened by an Orlando venue;

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

- d. Minnesota resident Rob Brzezinski, is the Vikings Vice President of Football Operations, and handles player-contracts and compensation. He was responsible for Mr. Floyd's contract negotiations and compensation decisions during Mr. Floyd's time with the Vikings. And he will provide critical testimony supporting Mr. Floyd's earning capacity;
- e. Minnesota resident Coach Andre Patterson is the current Defensive Line coach for the Vikings and has unique insights into Mr. Floyd's potential and abilities as a player;
- f. Coach Brendan Daly (now a Kansas City, MO resident; previously a Foxboro, MA resident) was the earlier Defensive Line coach for the Vikings and also has unique insights into Mr. Floyd's potential and abilities as a player;
- g. Minnesota Residents Drs. Maja Tippman-Piekert, MD, Dr. Praful Kellar and Robert Spinner were the neurologists who confirmed Mr. Floyd's nerve injury following the diagnosis by Drs. Provencher and LaPrade in Colorado (*see* material witnesses in 4(j) below). They are expected to testify on the issues of permanency, causation and damages;
- h. Miami Beach, FL resident Mr. Sharrif Tabbah, ATC, was the athletic trainer and physical therapist who spent the longest duration of time working with Mr. Floyd in his attempt to rehabilitate the nerve-injury. Mr. Tabbah will testify to the issues of causation, permanence and damages;
- i. Pennsylvania resident Mr. Kevin Lahn is the adoptive parent of Sharrif Floyd and will provide important testimony regarding Mr. Floyd's injuries and damages;
- j. Vail, CO material witnesses Drs. Matt Provencher and Robert LaPrade are two of the finest orthopedic surgeons in the world practicing at the Steadman Clinic and will provide testimony based on their own treatment of Mr. Floyd and based on their diagnosis of the nerve injury in the first place;
- k. New York resident Dr. Frank Cordasco, MD, is another top orthopedic sports medicine surgeon from the Hospital for Special Surgery (NY) who will testify based upon on his own treatment of Mr. Floyd;
- l. New York resident Mr. Brian Mackler has served as Mr. Floyd's lead NFL contract advisor since his rookie year. Similar to Mr. Lahn (*see* 4(i)), Mr. Mackler will provide important fact-witness testimony, as well as testimony on the issue of damages;
- m. New York resident Mr. Jon Perzley has served as Mr. Floyd's additional NFL contract advisor since his rookie year. Mr. Perzley will provide important fact-witness testimony, as well as testimony on the issue of damages;

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

- n. New York residents Drs. Erin Manning, MD (HSS, NY) and Vladimir Kramskiy, MD (HSS, NY) conducted EMG/NCV studies of Mr. Floyd's nerve, documenting the injury and are expected to testify to this effect;
- o. Aventura, FL resident Dr. Julie Schwartzbard is the neurologist who performed Mr. Floyd's most recent EMG/NCV and who therefore will provide testimony on Mr. Floyd's injury-status as of December 2018;

5. Based on my own review of the records, I struggle to understand how the physical therapists identified in ASC's recent affidavit could be deemed "material" witnesses for the purposes of Mr. Floyd's "physical condition, care, treatment, and recovery" (Ex. "A" to ASC Response at ¶ 5). It is important to remember that Mr. Floyd is no ordinary patient, but an NFL football player who—by virtue of his job—received essentially daily and national medical evaluations to track his progress. Defendants, despite having all such records, gloss over this point.

6. I do not believe, nor have I stated, that Pensacola is a "backwater" area. Nor have I opined on which courthouse is "better."

7. Mr. Floyd is a distinct Plaintiff in many ways, including that he was a professional athlete, traveling regularly and receiving treatment and therapy in multiple cities and states. For those reasons, he has lived in three different cities just in the last five years.

8. Mr. Floyd's professional career adds a layer of complexity to this case, resulting in material witnesses and key documents in multiple cities and states. Moreover, his injuries are more acute because they have directly affected his professional career and therefore his damages, which again requires obtaining the testimony of material witnesses and key documents in various, additional cities and states.

9. Mr. Floyd strongly prefers for this case to proceed in Orlando and has attested to same.

Bradford Rothwell Sohn, Esq.  
Brad@Sohn.com

10. All depositions taken by Plaintiff of material witnesses who are treaters (but not parties) will be videotaped, thereby potentially obviating the need for those witnesses to appear at trial.

FURTHER AFFIANT SAYETH NAUGHT.

*Brad R. Sohn*

STATE OF FLORIDA      )  
                            )  
                            ) SS  
MIAMI-DADE COUNTY    )

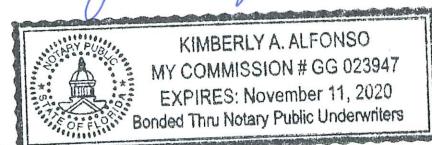
Before me, the undersigned authority personally appeared Bradford R. Sohn who after being duly cautioned and sworn according to law, deposes and states that he/she has read the above and that he/she has set his or her hand and seal thereto for the purposes therein expressed.

The foregoing is acknowledged before me this 25 day of March, 2019, by Bradford R. Sohn, who is:

PERSONALLY KNOWN BY ME [X]  
WHO HAS PRODUCED THE FOLLOWING IDENTIFICATION  
WHO DID TAKE AN OATH  
WHO DID NOT TAKE AN OATH

*Kimberly Alfonso*  
Printed Name

My Commission Expires:  
Notary Public  
State of Florida at Large  
Notary I.D. No. \_\_\_\_\_



(Notary Seal)